

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Stephen M. Friedberg,

Plaintiff,

v.

Mutual Holdings Ltd., *et al.*

Defendants.

:
:
: Civil Action
: No. 02-CV-3193
: (Judge Yohn)
:
:
:

STIPULATION AND ORDER REGARDING TIME TO ANSWER

WHEREAS, on May 19, 2005, the Court denied the Motion To Dismiss of Defendants Mutual Holdings Ltd., IPC Mutual Holdings, Ltd., Mutual Holdings (Bermuda) Ltd., Mutual Indemnity Ltd., and Mutual Indemnity (Bermuda) Ltd. (collectively, "Mutual Defendants"), and the parties received electronic notice of the Court's denial on May 20, 2005;

WHEREAS, the Court has yet to rule on Plaintiff Stephen Friedberg's Motion For Leave To File An Amended Complaint;

WHEREAS, under Rule 12 of the Federal Rules of Civil Procedure, Mutual Defendants must file an Answer to Friedberg's original complaint by June 6, 2005;

IT IS HEREBY STIPULATED AND AGREED by the parties hereto pursuant to Local Rule 7.4, subject to approval of the Court, that the Mutual Defendants may await the Court's ruling on Plaintiff's pending motion and answer whichever complaint (i.e., the original complaint or the amended complaint) is operative pursuant to the Federal Rules of Civil Procedure.¹

¹ By filing this stipulation, Mutual Defendants do not intend to waive any applicable defenses that they may have, including lack of personal jurisdiction and improper venue.

Respectfully submitted,



Douglas Y. Christian (ID No. 41934)

Joshua A. Mooney (ID No. 85945)

BALLARD SPAHR ANDREWS

& INGERSOLL, LLP

1735 Market Street, 51st Floor

Philadelphia, PA 19103-7599

(215) 665-8500

Attorneys for Defendants



David Smith, Esquire (ID No. 21480)

Han Nguyen, Esquire (ID No. 85860)

SCHNADER HARRISON SEGAL

& LEWIS LLP

Suite 3600, 1600 Market Street

Philadelphia, PA 19103

(215) 751-2000

Attorneys for Plaintiff

SO ORDERED this _____ day of _____, 2005.

BY THE COURT:

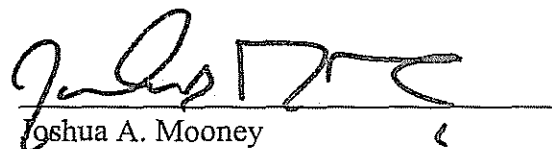
William H. Yohn, Jr., J.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June 2005, a true and correct copy of the foregoing Stipulation and Order Regarding Time to Answer was served by first class mail, pre-postage paid, on the following:

Margaret Manolakis, Esquire
STRADLEY RONON STEVENS & YOUNG, LLP
2600 One Commerce Square
Philadelphia, PA 19103

Attorneys for Defendant Morgan Stanley


Joshua A. Mooney